

REMARKS

The present invention is directed to polymeric compositions having desirable physical characteristics such as a high elongation of approximately 100 percent or greater, and refractive indices of approximately 1.45 or greater, useful in the manufacture of ophthalmic devices.

Claims 7-10 and 19-27 have been amended as indicated above to more clearly define the subject invention.

Claims 7-13 and 19-28 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 7-13 and 19-28 of copending application serial number 10/000,136.

Applicants respectfully traverse the provisional rejection of claims 7-13 and 19-28 under the judicially created doctrine of obviousness-type double patenting. Enclosed find a terminal disclaimer that obviates the double patenting rejection. Accordingly, withdrawal of the provisional double patenting rejection of claims 7-13 and 19-28 is respectfully requested.

Claims 7-13 and 19-28 stand objected because of the following informalities: the limitation of Claim 1 should be included in claims 7-10 and 19-26, and in claim 1, line 2 should "alkyl", "alkyloxy", "aryl" and "aryloxy" be --alkylene--, --alkyleneoxy--, --arylene-- and --aryleneoxy--, respectively?

Applicants respectfully traverse the objection of claims 7-13 and 19-28. Based on the above amendments to claims 7-10 and 19-26 to include the limitations of claim 1, and on “alkyl”, “alkyloxy”, “aryl” and “aryloxy” in line 2 of claim 1 being correct, the noted informalities have been corrected. Withdrawal of the objection to claims 7-13 and 19-28 is thereby respectfully requested.

Claims 7-13 and 19-28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Toyoshima et al., U.S. Patent Number 4,954,586 (Toyoshima).

Applicants respectfully traverse the rejection of claims 7-13 and 19-28 under 35 U.S.C. 102(b). Toyoshima teach a soft ocular lens material formed of a copolymer consisting essentially of a fluorine containing (meth)acrylate, an alkyl(meth)acrylate, a polysiloxane macromonomer having polymerizable groups at both terminals, and a polysiloxane macromonomer having polymerizable groups bonded via one or two urethane bonds (See abstract). a rigid material to permit precision machining and polishing (Col. 1, lines 53-54).

To the contrary, the compositions of the present invention are produced from siloxysilane monomers having aromatic-based substituents. The subject aromatic-based substituents provide for the flexibility and elongation characteristics that make the subject compositions desirable for foldable intraocular lens implant and corneal inlay use. The compositions of the present

invention have desirable characteristics **without the need** for a fluorine containing (meth)acrylate and a polysiloxane macromonomer having polymerizable groups bonded via one or two urethane bonds to the siloxane main chain as is described by Toyoshima. Accordingly, the desirable compositions of the present invention are not described by Toyoshima. For this reason, in addition to others not discussed herein, the rejection of claims 7-13 and 19 - 28 under 35 U.S.C. 102(b) is inappropriate. Withdrawal of the rejection of claims 7-13 and 19 - 28 under 35 U.S.C. 102(b) is thereby respectfully requested.

Claims 7-12, 23-26 and 28 stand rejected under 35 U.S.C. 102(b) as being anticipated by Gaylord, U.S. Patent Number 3,808,178 (Gaylord).

Applicants respectfully traverse the rejection of claims 7-12, 23-26 and 28 under 35 U.S.C. 102(b). Gaylord teaches a rigid material to permit precision machining and polishing (Col. 1, lines 53-54). The polysiloxanylalkyl ester monomer of Gaylord has X and Y selected from the class consisting of C₁-C₅ alkyl groups, phenyl groups and Z groups (Col. 1, lines 60-72). The "phenyl groups" provide the sufficient rigidity necessary for precision machining and polishing which is necessary in the fabrication of a correction contact lens (Col. 1, lines 45-50 and Col. 1, lines 53-55).

To the contrary, the soft, flexible compositions of the present invention are produced from siloxysilane monomers having aromatic-based substituents, rather than simple phenyl groups. The subject aromatic-based substituents provide for the flexibility and elongation characteristics that make the subject compositions desirable for foldable intraocular lens implant and corneal inlay use. The same is not described by Gaylord. For this reason, in addition to others not discussed herein, the rejection of claims 7-12, 23-26 and 28 under 35 U.S.C. 102(b) is inappropriate. Withdrawal of the rejection of claims 7-12, 23-26 and 28 under 35 U.S.C. 102(b) is thereby respectfully requested.

Based on the above amendments and remarks, applicants believe pending claims 7-13 and 19-28 now stand in condition for allowance. Notice of Allowance is therefor respectfully requested.

Should there be any questions regarding this communication, please contact the undersigned at (636) 226-3340.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rita D. Vacca", with a stylized flourish at the end.

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